IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of

Naoko ITO et al.   Conf. 1316

Application No. 10/826,294   Group 2168

Filed April 19, 2004   Examiner D. Gortayo

INFORMATION MANAGEMENT TECHNIQUE

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Assistant Commissioner for Patents   May 12, 2009
P.O. Box 1450
Alexandria, VA   22313-1450

Sir:

Appellants request a pre-appeal brief review of the final rejection in the above-identified application. No amendments are being filed with this request.

A Notice of Appeal is filed herewith.

The review is requested for the reasons advanced on the attached sheets.

Respectfully submitted,

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REASONS IN SUPPORT OF REQUEST FOR REVIEW

A pre-appeal brief review is respectfully requested because the rejections of the independent claims include clear factual errors, as explained below.

Claims 17-30, 47, 51-53, 55-56, 58-59, and 61-63 are pending. Claims 17, 47, 61, 62, and 63 are the independent claims. These claims, and dependent claims 30 and 59, are the subject of the present request for a pre-appeal brief review.

Claims 17-30, 47, 51-53, 55-56, 58-59, and 61-63 were rejected as unpatentable over JEYARAMAN 6,377,957 in view of BENSON et al. 6,202,085.

Neither JEYARAMAN nor BENSON et al. discloses that an update object is a minimum element of the structured document, the document being composed of a plurality of the elements. In contrast to what is disclosed in each of these references, the present invention allows the simple substitution of data that reduces the processing required. The assertion that the references disclose that the update object is a minimum element as claimed is a factual error.

In JEYARAMAN, the update request generated by the client is not determined by a minimum update element of the structured document stored in the server; rather the structure of the copied data stored in the client determines the update data (column 5, lines 33-54). Note that JEYARAMAN determines a difference between the copy of data on the client and the data in the

2

document database, and constructs an update based on the differences, or builds an update based on an aggregate of the differences. There is no suggestion here, or elsewhere, that a minimum element of the structured document is to be the update object. The differences between the client and database data determine the update object, not a minimum element.

In order to make the update work in JEYARAMAN, an update is constructed by combining update data and operation instructions (e.g., insert, delete, move, etc.) so that a more complex operation is required, such as reconstructing the structured document. The present invention avoids this complexity by using a minimum element of the structured document; JEYARAMAN does not suggest this.

Further, assuming that an update request is generated in levels of hierarchy of the data copy, there is a possibility that an update request for data is generated independent of the update on the server. For a prompt data update in JEYARAMAN, an update request must be repeatedly sent to all levels of the hierarchy of the data copy. In this event it would be difficult even to find a minimum update element, if one were looking for such a minimum data element (there being no suggestion to do so in JEYARAMAN.) BENSON et al. do not make up for these shortcomings.

By way of yet further distinction, in both JEYARAMAN and BENSON et al., the above-noted operation instructions are sent to reduce the amount of data transmitted. Accordingly, these

determine the update nodes. By contrast, according to the claims herein, the top node of the updated minimum element receives the transfer object flag. There is nothing in either reference that suggests using the top node of the updated minimum element for this purpose. The assertion that the references disclose using the top node as claimed is a factual error.

Accordingly, the independent claims avoid the rejection under §103.

Claims 30 and 59 are allowable for the further reason that the references do not disclose that the gateway server includes storage in which a duplicate of the structured document in the client device is stored and an update controller that transmits the update based on the update time. This feature is missing from both documents and thus would not be obvious to one of skill in the art. The Official Action points to column 12, lines 52-67 of JEYARAMAN for this feature of claim 30, but this section does not indicate that a duplicate of the structured document is kept in a gateway server. Indeed, in JEYARAMAN, the client makes the determination and sends the update request, with the server merely determining if the update is the latest one. In addition, in both references, it is assumed that the client contains a copy of the data for update and every time an update occurs the update data is sent to the client. Applicant has very carefully considered the Examiner's interpretation of the references, but does not agree. BENSON et al. include an agent 34 that merely

manages data exchanges by acting as a bridge between the data collector 30 and the data synchronizer 32. The claimed storage is not disclosed.

Accordingly, claims 30 and 59 avoid the rejection for these further reasons.

In view of the foregoing remarks, it is believed that the present application is in condition for allowance, which is respectfully requested.

Respectfully submitted,

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